

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Shevani Patel	Team: Team # 5	CCRB Case #: 201214808	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 07/19/2012 9:00 PM	Location of Incident: § 87(2)(b)	Precinct: 23	18 Mo. SOL 1/19/2014	EO SOL 1/19/2014	
Date/Time CV Reported Fri, 12/14/2012 12:32 PM	CV Reported At: CCRB	How CV Reported: E-mail	Date/Time Received at CCRB Fri, 12/14/2012 12:32 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Elias Vazquez	15305	949762	023 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Elias Vazquez	Force: PO Elias Vazquez pointed his gun at § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Elias Vazquez	Discourtesy: PO Elias Vazquez spoke rudely to § 87(2)(b)	§ 87(2)(b)
C.POM Elias Vazquez	Force: PO Elias Vazquez used physical force against § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)

Case Summary

On December 14, 2012, § 87(2)(b) filed this complaint with the CCRB via the on-line system on behalf of her husband, § 87(2)(b) and § 87(2)(b) § 87(2)(b) did not witness the incident. § 87(2)(b) subsequently provided a telephone statement on January 10, 2013, which is summarized below.

On July 19, 2012, at approximately 9:00 p.m., § 87(2)(b) was walking near the intersection of Madison Avenue and 108th Street in Manhattan when he observed an unknown Hispanic male with a green bicycle, which had recently been stolen from § 87(2)(b)'s store, § 87(2)(b), where § 87(2)(b) worked as § 87(2)(b). § 87(2)(b) approached the male, asked him where he got the bicycle from and told him that it was the delivery bicycle for his cafe. The male told § 87(2)(b) that his grandfather had given it to him. § 87(2)(b) asked the male to give him the bicycle and bring his grandfather to the cafe in order to discuss the ownership of the bike. As § 87(2)(b) was walking the bicycle back to the cafe, he observed § 87(2)(b) who he did not know, walking past the store. PO Elias Vazquez of the 23rd Precinct ran towards § 87(2)(b) and § 87(2)(b) with his gun pointed at them, as he told them to get onto the gate (**Allegation A**). § 87(2)(b) told PO Vazquez to stop pointing his gun at him and PO Vazquez responded, "Shut the fuck up (**Allegation B**).” PO Vazquez threw § 87(2)(b) and § 87(2)(b) onto the gate and handcuffed them (**Allegation C**). Nine unidentified additional officers responded. § 87(2)(b) and § 87(2)(b) were taken to the 23rd Precinct stationhouse and were charged with § 87(2)(b).

§ 87(2)(b) identified the subject officer's name as "Vasquez," which he recalled from the incident. § 87(2)(b) described him as a Hispanic male who was 5'10" tall and weighed 190 pounds. A search of CTS indicated that PO Vazquez is a Hispanic male. He was also listed as the arresting officer on both of the arrest reports. § 87(2)(g)

On January 4, 2013, a please call letter was sent to § 87(2)(b) this letter was not returned by the United States Postal Service. From January 4, 2013 to January 10, 2013, § 87(2)(b) was called three times; voicemails were left each time the call was not answered. On the final call, contact was made with § 87(2)(b) who stated that she did not witness the incident. The undersigned notified § 87(2)(b) that she would be informed of the outcome of the complaint via mail at the conclusion of the investigation.

On January 4, 2013 and January 16, 2013, please call letters were sent to § 87(2)(b) these letters were not returned by the United States Postal Service. From January 4, 2013 to January 29, 2013, § 87(2)(b) was called five times; voicemail were left each time the call was not answered. On January 10, 2013, § 87(2)(b) provided a telephone statement. Upon completion, the undersigned attempted to schedule § 87(2)(b) for a sworn statement, but he was unable to determine if he wanted to pursue the complaint at that point. On January 29, 2013, § 87(2)(b) scheduled a CCRB appointment for February 7, 2013, but he failed to appear without notifying the undersigned beforehand. On February 11, 2013, a search of the NYC Department of Correction website did not indicate that § 87(2)(b) was incarcerated.

§ 87(2)(b) and § 87(2)(b) were unable to provide any contact information for § 87(2)(b). On January 16, 2013 and February 7, 2013, please call letters were sent to the address listed on § 87(2)(b)'s arrest report; these letters were not returned by the United States Postal Service.

On January 16, 2013, a search of the COLES directory of Manhattan, the White Pages and the Lexis Nexis database did not reveal listings for § 87(2)(b) at the address provided. On February 11, 2013, a search of the NYC Department of Correction website did not indicate that § 87(2)(b) was incarcerated.

§ 87(2)(g)

Team: 5

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date